

REMARKS/ARGUMENTS

Applicant has received the Final Office Action mailed on January 16, 2009, and is filing this response along with a Request for Continued Examination. In the above-referenced Office Action, claims 1-63 are pending, claims 3-5, 12-14, 21-22, 30-31, 38-39 and 44-63 were withdrawn from consideration, and claims 1, 6-11, 15-20, 23-29, 32-37, and 40-43 have been rejected. After careful review, Applicant must respectfully traverse all assertions and rejections made by the Examiner. In this amendment, independent claims 1, 10, 19, 28, and 36 have been amended to further clarify the claims. No new matter has been added, and the amendments are supported by the specification and drawings. Claims 1 and 3-63 remain pending. Favorable consideration of the above amendments and the following comments is respectfully requested.

Claim Amendments

With this amendment, independent claims 1, 10, 19, 28, and 36 have been amended to clarify the claims and further differentiate the claims from the cited reference, Johansen et al. (U.S. Patent No. 7,303,533). The amendments draw support from the application as-filed, for example from Figure 1 and page 7, lines 7-29 of the specification. Favorable consideration of the above amendments is respectfully requested.

Claim Rejections – 35 U.S.C. 102

On page 3 of the Office Action, claims 10, 15-17, 19, 23-25, 27-28, 32-34, 36, and 40-42 were rejected under 35 U.S.C. 102(e) as being anticipated by Johansen et al. (U.S. Patent No. 7,303,533). After careful review, Applicant respectfully traverses the rejection, particularly in view of the current amendments.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (MPEP 2131).

Nowhere do Johansen et al. appear to disclose or suggest that at least one joining element may be “longitudinally offset from at least one other joining element” as in

independent claims 1, 10 and 28 or “longitudinally spaced apart from at least one other joining element with no longitudinal overlap” as in independent claims 19 and 36. Welds 22 of Johansen et al. appear to be spaced around the circumference of the coil, as shown in Figure 2 or 4, in order to join together and stiffen a discrete portion of the coil, but nowhere do Johansen et al. appear to teach that welds 22 may be disposed axially along the length of the coil, offset or spaced apart from one another in a longitudinal direction. Applicant respectfully points to column 3, lines 46-47 and lines 63-65, along with column 4, lines 28-33 of Johansen et al. Johansen et al. only appear to disclose parallel welds 22 in “a portion of coil 20” or “the area intended to be shaped”. Specifically, Johansen et al. appear to disclose welds located “at the distal end of the coil” or “at other positions along the coil”, but not “longitudinally offset from at least one other” or “longitudinally spaced apart from at least one other joining element with no longitudinal overlap”. As such, Johansen et al. do not appear to disclose welds 22 offset or spaced axially along the coil length.

Independent claims 10 and 28 now recite, in part, “wherein at least one of the plurality of joining elements is longitudinally offset from at least one other joining element”. Independent claims 19 and 36 now recite, in part, “wherein at least one of the plurality of joining elements is longitudinally spaced apart from at least one other joining element with no longitudinal overlap”. For at least the reasons discussed above, Johansen et al. do not appear to disclose or suggest each and every claimed element. Therefore, Johansen et al. cannot anticipate independent claims 10, 19, 28, and 36. Similarly, claims 15-17, 23-25, 27, 32-34, and 40-42, which depend therefrom and add additional elements thereto, also cannot be anticipated by Johansen et al.

Since Johansen et al. do not appear to expressly or inherently disclose or suggest each and every element of claims 10, 15-17, 19, 23-25, 27-28, 32-34, 36, and 40-42 for at least the reasons discussed above, Applicant respectfully requests that the rejection under 35 U.S.C. 102 be withdrawn.

Claim Rejections – 35 U.S.C. 103

On page 4 of the Office Action, the Examiner has rejected claims 1, 6-9, 11, 18, 20, 26, 29, 35, 37, and 43 under 35 U.S.C. 103(a) as being unpatentable over Johansen (U.S. Patent No. 7,303,533). After careful review, Applicant respectfully traverses the rejections.

"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). (MPEP 2143.03).

The Examiner has asserted that Johansen et al. discloses the claimed invention except for expressly disclosing the plurality of joining elements comprising at least ten joining elements disposed along the coil length, and the size of those elements. Applicant respectfully disagrees.

For at least the reasons discussed above with respect to 35 U.S.C. 102, Applicant submits that Johansen et al. do not appear to expressly or inherently disclose or suggest each element of independent claims 1, 10, 19, 28, and 36, as is required to establish a *prima facie* case of obviousness. Furthermore, since claims 6-9, 11, 18, 20, 26, 29, 35, 37, and 43 depend from claims 1, 10, 19, 28, or 36 and add additional elements thereto, Applicant submits that these claims are also nonobvious over Johansen et al. Applicant respectfully requests that the rejection under 35 U.S.C. 103 be withdrawn.

Reexamination and reconsideration are respectfully requested. It is submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

DAVID J. PARINS

By his Attorney,

Date: 3-16-2009


J. Scot Wickhem, Reg. No. 41,376
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, Minnesota 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349